

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

SCOTT E. SMITH, )  
 )  
 Plaintiff, ) Case No. 4:07-cv-33  
 )  
 v. ) Judge Mattice  
 )  
 MICHAEL J. ASTRUE, Commissioner )  
 of Social Security, )  
 )  
 Defendant. )

**ORDER**

On April 17, 2008, United States Magistrate Judge William B. Carter filed his report and recommendation [Court Doc. 19] pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Neither party filed objections within the given 10 days.

After reviewing the record, the Court agrees with Magistrate Judge Carter's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Accordingly, the Court **ORDERS** that Defendant's Motion for Summary Judgment [Court Doc. 17] is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff's Motion for Judgment on the Administrative Record [Court Doc. 13] is **GRANTED IN PART** and **DENIED IN PART**. Defendant's denial of Plaintiff's disability and disability insurance benefits under Title II is **AFFIRMED**. Defendant's denial of Plaintiff's Supplemental Social Security Income benefits under Title XVI is **REVERSED** and the case is **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) for further proceedings consistent with Magistrate Judge Carter's report and recommendation.

SO ORDERED this 21st day of May, 2008.

*/s/Harry S. Mattice, Jr.*  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE